

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1779 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 8-1-1.1-1 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this  
5       chapter:  
6       "Council" means the advisory council to the office of utility  
7       consumer counselor created under section 7 of this chapter.  
8       "Counselor" means the consumer counselor established under  
9       section 2 of this chapter.  
10       ~~"Deputy consumer counselor" means the deputy consumer~~  
11       ~~counselor for Washington affairs that may be established under section~~  
12       ~~9.1 of this chapter.~~  
13       "Utility" means any public utility, municipally owned utility or  
14       subscriber owned utility under the jurisdiction of the commission."  
15       Page 4, between lines 4 and 5, begin a new paragraph and insert:  
16       "SECTION 3. IC 8-1-1.1-9.3 IS ADDED TO THE INDIANA CODE  
17       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
18       1, 2001]: Sec. 9.3. (a) As used in this section, "advocate" refers to  
19       the deputy consumer counselor for senior citizens appointed under  
20       subsection (d).  
21       (b) As used in this section, "senior citizen" means an Indiana  
22       resident who is:  
23       (1) at least sixty-five (65) years of age;  
24       (2) retired; and

1 (3) not employed on a full-time basis.

2 (c) As used in this section, "senior citizen utility customer"  
3 means a senior citizen who pays a public utility or a municipally  
4 owned utility for gas, electric, telecommunications, water, or  
5 sanitary sewer service for residential uses.

6 (d) The governor may appoint a deputy consumer counselor for  
7 senior citizens. The utility consumer counselor may advise the  
8 governor in the appointment of the deputy consumer counselor for  
9 senior citizens.

10 (e) The deputy consumer counselor for senior citizens shall  
11 serve for a term of four (4) years at a salary to be fixed by the  
12 governor. The advocate shall serve at the pleasure of the governor.  
13 The advocate must be a practicing attorney and qualified by  
14 knowledge and experience to practice in utility regulatory agency  
15 proceedings. The advocate shall apply full efforts to the duties of  
16 the office and may not be actively engaged in any other occupation,  
17 practice, profession, or business.

18 (f) The deputy consumer counselor for senior citizens shall do  
19 the following:

20 (1) Represent, protect, and promote the interests of senior  
21 citizen utility customers in Indiana.

22 (2) Inform and educate senior citizen utility customers about  
23 the duties and functions of the deputy consumer counselor for  
24 senior citizens.

25 (3) Actively solicit the opinions, comments, and needs of  
26 senior citizen utility customers.

27 (4) Educate senior citizen utility customers about available  
28 utility conservation measures.

29 (5) Notify senior citizen utility customers about proceedings  
30 before the commission, the Federal Energy Regulatory  
31 Commission, the Federal Communications Commission, the  
32 courts, and other public bodies.

33 (6) Establish and maintain a toll free telephone number or  
34 numbers that serve as a hotline for inquiries, comments, and  
35 suggestions from senior citizen utility customers. To the extent  
36 available resources allow, the advocate shall promote and  
37 advertise the hotline to senior citizen utility customers.

38 The deputy consumer counselor for senior citizens may satisfy the  
39 requirements of subdivisions (2) through (5) by publishing or  
40 soliciting information on the Internet through the computer  
41 gateway administered by the intelenet commission under IC 5-21-2  
42 and known as Access Indiana.

43 (g) Expenses incurred under subsection (f) shall be paid from an  
44 appropriation made for that purpose by the general assembly, or  
45 with the approval of the governor and the budget agency, from the  
46 contingency fund established under IC 8-1-6-1.

47 (h) The deputy consumer counselor for senior citizens may, with

the approval of the utility consumer counselor, appear on behalf of senior citizen utility customers in:

- (1) hearings before the commission, the department of state revenue, or the Indiana department of transportation;
- (2) appeals from the orders of the commission, the department of state revenue, or the Indiana department of transportation; and
- (3) other proceedings, suits, and actions in which the subject matter of the action affects senior citizen utility customers.

(i) The deputy consumer counselor for senior citizens may, with the approval of the consumer counselor, the governor, and the budget agency, employ and fix the compensation of accountants, utility economists, engineers, attorneys, stenographers, or other assistants necessary to carry out the duties of the deputy consumer counselor for senior citizens. The compensation of the deputy consumer counselor for senior citizens and the staff shall be paid from an appropriation made for that purpose by the general assembly, or with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1.

(j) The deputy consumer counselor for senior citizens may employ, with the approval of the consumer counselor, the governor, and the budget agency, additional stenographers, examiners, experts, engineers, assistant counselors, accountants, and consulting firms with expertise in utility, motor carrier, or railroad economics or management, or both, at salaries and compensation and for a length of time as the consumer counselor, the governor, and the budget agency may approve for a particular case or investigation. The compensation for additional personnel and the cost of transportation, hotel, telegram, and telephone bills while traveling on public business shall be paid from the expert witness fee account or, with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1 on warrants drawn by the auditor of state and sworn to by the parties who incurred the expenses.

(k) Expenses incurred by regular staff of the deputy consumer counselor for senior citizens and approved by the deputy consumer counselor for senior citizens shall be charged to and paid from the contingency fund established under IC 8-1-6-1."

Page 4, line 11, delete "IC 8-1-1.1-9.2(f)(7)," and insert "IC 8-1-1.1-9.2(f)(6),".

Page 4, after line 17, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 8-1-1.1-9.3(d), as added by this act, the governor shall appoint the deputy consumer counselor for senior citizens before September 1, 2001.

(b) This SECTION expires December 31, 2001.

SECTION 7. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding

1     **IC 8-1-1.1-9.3(f)(7), as added by this act, the deputy consumer**  
2     **counselor for senior citizens established under IC 8-1-1.1-9.3(d), as**  
3     **added by this act, shall establish before December 31, 2001, a toll**  
4     **free telephone number or numbers that serve as a hotline for**  
5     **inquiries, comments, and suggestions from senior citizen utility**  
6     **customers.**

7         **(b) This SECTION expires January 2, 2002."**  
8         Renumber all SECTIONS consecutively.  
       (Reference is to HB 1779 as printed February 20, 2001.)

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Representative Bodiker